



Sen. Mike Jacobs

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1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. _____. Amend House Bill 3035 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Disaster Relief Act is amended by changing
5 Section 3 as follows:

6 (15 ILCS 30/3) (from Ch. 127, par. 293.3)

7 Sec. 3. Whenever funds regularly appropriated to the State
8 and local governmental bodies for disaster response and
9 recovery are insufficient to provide services, and when the
10 Governor has declared a disaster by proclamation in accordance
11 with Section 7 of the Illinois Emergency Management Agency Act
12 or any successor Act, the Governor may draw upon the Disaster
13 Response and Recovery ~~Relief~~ Fund in order to provide services
14 or to reimburse local governmental bodies furnishing services.
15 The fund may be used for the payment of emergency employees,
16 for the payment of the Illinois National Guard when called to

1 active duty, for disaster-related expenses of State Agencies
2 and Departments, and for the emergency purchase or renting of
3 equipment and commodities. The fund shall be used for
4 furnishing emergency services and relief to the disaster area
5 as a whole and shall not be used to provide private relief to
6 persons sustaining property damages or personal injury as a
7 result of a disaster.

8 (Source: P.A. 87-168.)

9 Section 10. The State Police Act is amended by adding
10 Section 12.6 as follows:

11 (20 ILCS 2610/12.6 new)

12 Sec. 12.6. Zero tolerance alcohol policy.

13 (a) It is the intent of the General Assembly to maintain a
14 safe environment for the citizens of this State and to ensure
15 that State Police officers are not impaired in a manner that
16 endangers themselves or others. Therefore, it is declared to be
17 the public policy of this State to provide a work environment
18 free of the use of alcohol and unlawful drugs by on-duty State
19 Police officers.

20 (b) The Department of State Police shall adopt rules to
21 implement this Section.

22 (c) Any person employed by the Department of State Police
23 as a State Police officer must comply with the alcohol use and
24 testing requirements of the Department of State Police.

1 (d) If a State Police officer's supervisor reasonably
2 believes, based upon objective facts, that an officer's ability
3 to perform his or her duties safely and efficiently while on
4 duty may be impaired by the consumption of alcohol, the
5 supervisor shall:

6 (1) prevent the officer from continuing work;

7 (2) inform the officer of the specific facts supporting
8 his or her belief and prepare a written record of those
9 facts;

10 (3) inform the officer that he or she will be tested
11 for alcohol;

12 (4) inform the officer that he or she may refuse the
13 test, but that refusal to submit to a test for alcohol,
14 ordered in accordance with Departmental procedures, shall
15 be construed as a positive result; and

16 (5) transport or cause the officer to be transported
17 safely away from the Department.

18 (e) A test shall be construed as a positive result if the
19 test shows a result of a blood alcohol content higher than
20 0.00%.

21 (f) A person employed as a State Police officer who tests
22 positive in a test for the purpose of determining the alcohol
23 content of the person's blood while on duty according to the
24 procedures of the State Police shall be referred to the
25 Department of State Police Merit Board under this Act for
26 appropriate discipline, if any, where the totality of the

1 circumstances shall be considered.

2 (g) Upon a finding that an officer has violated this
3 Section, the Board shall appropriately discipline the officer.
4 Any determination of appropriate discipline made according to
5 this Section against an officer by the Board shall be subject
6 to an appeals process, if any, afforded by the collective
7 bargaining agreement governing the employment of the State
8 Police officer.

9 (h) The provisions of this Section shall not apply to:

10 (1) an officer who has been assigned to consume alcohol
11 while on-duty and under appropriate supervision by a
12 superior officer for training purposes as approved by the
13 Director;

14 (2) an officer whose duty requirements run counter to
15 the provisions of this Section;

16 (3) an officer who has been assigned by the Director to
17 work undercover, while his or her identity as a police
18 officer must remain undisclosed for purposes of that
19 assignment; and

20 (4) an officer exempt under subsection (g) of Section
21 10-1 of Article 10 of the Liquor Control Act of 1934.

22 (i) To the extent this Section conflicts with a collective
23 bargaining agreement in effect on the effective date of this
24 amendatory Act of the 98th General Assembly, the conflicting
25 provision of this Section shall not apply until that collective
26 bargaining agreement expires or is renewed, renegotiated, or

1 superseded.

2 Section 15. The Illinois Emergency Management Agency Act is
3 amended by changing Sections 8 and 9 as follows:

4 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

5 Sec. 8. Mobile Support Teams.

6 (a) The Governor or Director may cause to be created Mobile
7 Support Teams to aid and to reinforce the Illinois Emergency
8 Management Agency, and emergency services and disaster
9 agencies in areas stricken by disaster. Each mobile support
10 team shall have a leader, selected by the Director who will be
11 responsible, under the direction and control of the Director,
12 for the organization, administration, and training, and
13 operation of the mobile support team.

14 (b) Personnel of a mobile support team while on duty
15 pursuant to such a call or while engaged in regularly scheduled
16 training or exercises, whether within or without the State,
17 shall either:

18 (1) If they are paid employees of the State, have the
19 powers, duties, rights, privileges and immunities and
20 receive the compensation incidental to their employment.

21 (2) If they are paid employees of a political
22 subdivision or body politic of this State, and whether
23 serving within or without that political subdivision or
24 body politic, have the powers, duties, rights, privileges

1 and immunities, and receive the compensation incidental to
2 their employment.

3 (3) If they are not employees of the State, political
4 subdivision or body politic, or being such employees, are
5 not normally paid for their services, be entitled to at
6 least one dollar per year compensation from the State.

7 Personnel of a mobile support team who suffer disease,
8 injury or death arising out of or in the course of emergency
9 duty, shall for the purposes of benefits under the Workers'
10 Compensation Act or Workers' Occupational Diseases Act only, be
11 deemed to be employees of this State. If the person diseased,
12 injured or killed is an employee described in item (3) above,
13 the computation of benefits payable under either of those Acts
14 shall be based on income commensurate with comparable State
15 employees doing the same type of work or income from the
16 person's regular employment, whichever is greater.

17 All personnel of mobile support teams shall, while on duty
18 under such call, be reimbursed by this State for all actual and
19 necessary travel and subsistence expenses.

20 (c) The State shall reimburse each political subdivision or
21 body politic from the Disaster Response and Recovery Relief
22 Fund for the compensation paid and the actual and necessary
23 travel, subsistence and maintenance expenses of paid employees
24 of the political subdivision or body politic while serving,
25 outside of its geographical boundaries pursuant to such a call,
26 as members of a mobile support team, and for all payments made

1 for death, disease or injury of those paid employees arising
2 out of and incurred in the course of that duty, and for all
3 losses of or damage to supplies and equipment of the political
4 subdivision or body politic resulting from the operations.

5 (d) Whenever mobile support teams or units of another
6 state, while the Governor has the emergency powers provided for
7 under Section 7 of this Act, render aid to this State under the
8 orders of the Governor of its home state and upon the request
9 of the Governor of this State, all questions relating to
10 reimbursement by this State to the other state and its citizens
11 in regard to the assistance so rendered shall be determined by
12 the mutual aid agreements or interstate compacts described in
13 subparagraph (5) of paragraph (c) of Section 6 as are existing
14 at the time of the assistance rendered or are entered into
15 thereafter and under Section 303 (d) of the Federal Civil
16 Defense Act of 1950.

17 (e) No personnel of mobile support teams of this State may
18 be ordered by the Governor to operate in any other state unless
19 a request for the same has been made by the Governor or duly
20 authorized representative of the other state.

21 (Source: P.A. 92-73, eff. 1-1-02.)

22 (20 ILCS 3305/9) (from Ch. 127, par. 1059)

23 Sec. 9. Financing.

24 (a) It is the intent of the Legislature and declared to be
25 the policy of the State that funds to meet disasters shall

1 always be available.

2 (b) It is the legislative intent that the first recourse
3 shall be to funds regularly appropriated to State and political
4 subdivision departments and agencies. If the Governor finds
5 that the demands placed upon these funds in coping with a
6 particular disaster are unreasonably great, the Governor may
7 make funds available from the Disaster Response and Recovery
8 ~~Relief~~ Fund. If monies available from the Fund are
9 insufficient, and if the Governor finds that other sources of
10 money to cope with the disaster are not available or are
11 insufficient, the Governor shall request the General Assembly
12 to enact legislation as it may deem necessary to transfer and
13 expend monies appropriated for other purposes or borrow, for a
14 term not to exceed 2 years from the United States government or
15 other public or private source. If the General Assembly is not
16 sitting in regular session to enact such legislation for the
17 transfer, expenditure or loan of such monies, and the President
18 of the Senate and the Speaker of the House certify that the
19 Senate and House are not in session, the Governor is authorized
20 to carry out those decisions, by depositing transfers or loan
21 proceeds into and making expenditures from the Disaster
22 Response and Recovery ~~Relief~~ Fund, until such time as a quorum
23 of the General Assembly can convene in a regular or
24 extraordinary session. The General Assembly shall, to the
25 extent moneys become available, restore moneys used from other
26 sources under this Section.

1 (c) Nothing contained in this Section shall be construed to
2 limit the Governor's authority to apply for, administer and
3 expend grants, gifts or payments in aid of disaster mitigation,
4 preparedness, response or recovery.

5 (Source: P.A. 92-73, eff. 1-1-02; 93-249, eff. 7-22-03.)

6 Section 20. The Emergency Management Assistance Compact
7 Act is amended by adding Section 10 as follows:

8 (45 ILCS 151/10 new)

9 Sec. 10. Reimbursements and expenses. The Illinois
10 Emergency Management Agency as the authorized representative
11 of the State may use the Disaster Response and Recovery Fund to
12 deposit any reimbursements received from a party state and to
13 pay any expenses incurred relating to this Act.

14 Section 25. The Counties Code is amended by adding Sections
15 3-7018 and 3-6040 as follows:

16 (55 ILCS 5/3-6040 new)

17 Sec. 3-6040. Zero tolerance alcohol policy.

18 (a) It is the intent of the General Assembly to maintain a
19 safe environment for the citizens of this State and to ensure
20 that deputy sheriffs are not impaired in a manner that
21 endangers themselves or others. Therefore, it is declared to be
22 the public policy of this State to provide a work environment

1 free of the use of alcohol and unlawful drugs by on-duty deputy
2 sheriffs.

3 (b) The sheriff shall adopt rules to implement this
4 Section.

5 (c) Any person employed by the sheriff as a deputy sheriff
6 must comply with the alcohol use and testing requirements of
7 the sheriff.

8 (d) If a deputy sheriff's supervisor reasonably believes,
9 based upon objective facts, that the deputy sheriff's ability
10 to perform his or her duties safely and efficiently while on
11 duty may be impaired by the consumption of alcohol, the
12 supervisor shall:

13 (1) prevent the deputy sheriff from continuing work;

14 (2) inform the deputy sheriff of the specific facts
15 supporting his or her belief and prepare a written record
16 of those facts;

17 (3) inform the deputy sheriff that he or she will be
18 tested for alcohol;

19 (4) inform the deputy sheriff that he or she may refuse
20 the test, but that refusal to submit to a test for alcohol,
21 ordered in accordance with the procedures of the sheriff's
22 office, shall be construed as a positive result; and

23 (5) transport or cause the deputy sheriff to be
24 transported safely away from the sheriff's office.

25 (e) A test shall be construed as a positive result if the
26 test shows a result of a blood alcohol content higher than

1 0.00%.

2 (f) A person employed as a deputy sheriff who tests
3 positive in a test for the purpose of determining the alcohol
4 content of the person's blood while on duty according to the
5 procedures of the sheriff shall be referred to the sheriff for
6 appropriate discipline, if any, where the totality of the
7 circumstances shall be considered.

8 (g) Upon a finding that a deputy sheriff has violated this
9 Section, the sheriff shall appropriately discipline the deputy
10 sheriff. Any determination of appropriate discipline made
11 according to this Section against a deputy sheriff by the
12 sheriff shall be subject to an appeals process, if any,
13 afforded by the collective bargaining agreement governing the
14 employment of the deputy sheriff.

15 (h) The provisions of this Section shall not apply to:

16 (1) a deputy sheriff who has been assigned to consume
17 alcohol while on-duty and under appropriate supervision
18 for training purposes as approved by the sheriff;

19 (2) a deputy sheriff whose duty requirements run
20 counter to the provisions of this Section;

21 (3) a deputy sheriff who has been assigned by the
22 sheriff to work undercover, while his or her identity as a
23 deputy sheriff must remain undisclosed for purposes of that
24 assignment; and

25 (4) a deputy sheriff exempt under subsection (g) of
26 Section 10-1 of Article 10 of the Liquor Control Act of

1 1934.

2 (i) To the extent this Section conflicts with a collective
3 bargaining agreement in effect on the effective date of this
4 amendatory Act of the 98th General Assembly, the conflicting
5 provision of this Section shall not apply until that collective
6 bargaining agreement expires or is renewed, renegotiated, or
7 superseded.

8 (55 ILCS 5/3-7018 new)

9 Sec. 3-7018. Zero tolerance alcohol policy.

10 (a) It is the intent of the General Assembly to maintain a
11 safe environment for the citizens of this State and to ensure
12 that Cook County deputy sheriffs are not impaired in a manner
13 that endangers themselves or others. Therefore, it is declared
14 to be the public policy of this State to provide a work
15 environment free of the use of alcohol and unlawful drugs by
16 on-duty Cook County deputy sheriffs.

17 (b) The Cook County Sheriff shall adopt rules to implement
18 this Section.

19 (c) Any person employed by the Cook County Sheriff as a
20 deputy sheriff must comply with the alcohol use and testing
21 requirements of the Cook County Sheriff.

22 (d) If a Cook County deputy sheriff's supervisor reasonably
23 believes, based upon objective facts, that the Cook County
24 deputy sheriff's ability to perform his or her duties safely
25 and efficiently while on duty may be impaired by the

1 consumption of alcohol, the supervisor shall:

2 (1) prevent the Cook County deputy sheriff from
3 continuing work;

4 (2) inform the Cook County deputy sheriff of the
5 specific facts supporting his or her belief and prepare a
6 written record of those facts;

7 (3) inform the Cook County deputy sheriff that he or
8 she will be tested for alcohol;

9 (4) inform the Cook County deputy sheriff that he or
10 she may refuse the test, but that refusal to submit to a
11 test for alcohol, ordered in accordance with the procedures
12 of the Cook County Sheriff's office, shall be construed as
13 a positive result; and

14 (5) transport or cause the Cook County deputy sheriff
15 to be transported safely away from the Cook County
16 Sheriff's office.

17 (e) A test shall be construed as a positive result if the
18 test shows a result of a blood alcohol content higher than
19 0.00%.

20 (f) A person employed as a Cook County deputy sheriff who
21 tests positive in a test for the purpose of determining the
22 alcohol content of the person's blood while on duty according
23 to the procedures of the Cook County Sheriff shall be referred
24 to the Cook County Sheriff Merit Board for appropriate
25 discipline, if any, where the totality of the circumstances
26 shall be considered.

1 (g) Upon a finding that a Cook County deputy sheriff has
2 violated this Section, the Board shall appropriately
3 discipline the Cook County deputy sheriff. Any determination of
4 appropriate discipline made according to this Section against a
5 Cook County deputy sheriff by the Board shall be subject to an
6 appeals process, if any, afforded by the collective bargaining
7 agreement governing the employment of the Cook County deputy
8 sheriff.

9 (h) The provisions of this Section shall not apply to:

10 (1) a Cook County deputy sheriff who has been assigned
11 to consume alcohol while on-duty and under appropriate
12 supervision for training purposes as approved by the Cook
13 County Sheriff;

14 (2) a Cook County deputy sheriff whose duty
15 requirements run counter to the provisions of this Section;

16 (3) a Cook County deputy sheriff who has been assigned
17 by the Cook County Sheriff to work undercover, while his or
18 her identity as a Cook County deputy sheriff must remain
19 undisclosed for purposes of that assignment; and

20 (4) a Cook County deputy sheriff exempt under
21 subsection (g) of Section 10-1 of Article 10 of the Liquor
22 Control Act of 1934.

23 (i) To the extent this Section conflicts with a collective
24 bargaining agreement in effect on the effective date of this
25 amendatory Act of the 98th General Assembly, the conflicting
26 provision of this Section shall not apply until that collective

1 bargaining agreement expires or is renewed, renegotiated, or
2 superseded.

3 (j) A home rule unit may not regulate the discipline of a
4 Cook County deputy sheriff who tests positive during a test for
5 the purpose of determining the alcohol content of the person's
6 blood in a manner that is inconsistent with this Section. This
7 Section is a limitation under subsection (i) of Section 6 of
8 Article VII of the Illinois Constitution on the concurrent
9 exercise by home rule units of power and functions exercised by
10 the State.

11 Section 30. The Illinois Municipal Code is amended by
12 adding Section 10-3-13 as follows:

13 (65 ILCS 5/10-3-13 new)

14 Sec. 10-3-13. Zero tolerance alcohol policy.

15 (a) It is the intent of the General Assembly to maintain a
16 safe environment for the citizens of this State and to ensure
17 that policemen are not impaired in a manner that endangers
18 themselves or others. Therefore, it is declared to be the
19 public policy of this State to provide a work environment free
20 of the use of alcohol and unlawful drugs by on-duty policemen.

21 (b) The chief of police shall adopt rules to implement this
22 Section.

23 (c) Any person employed by the police department of a
24 municipality as a policeman must comply with the alcohol use

1 and testing requirements of the police department.

2 (d) If a policeman's supervisor reasonably believes, based
3 upon objective facts, that the policeman's ability to perform
4 his or her duties safely and efficiently while on duty may be
5 impaired by the consumption of alcohol, the supervisor shall:

6 (1) prevent the policeman from continuing work;

7 (2) inform the policeman of the specific facts
8 supporting his or her belief and prepare a written record
9 of those facts;

10 (3) inform the policeman that he or she will be tested
11 for alcohol;

12 (4) inform the policeman that he or she may refuse the
13 test, but that refusal to submit to a test for alcohol,
14 ordered in accordance with the procedures of the police
15 department, shall be construed as a positive result; and

16 (5) transport or cause the policeman to be transported
17 safely away from the police department.

18 (e) A test shall be construed as a positive result if the
19 test shows a result of a blood alcohol content higher than
20 0.00%.

21 (f) A person employed as a policeman who tests positive in
22 a test for the purpose of determining the alcohol content of
23 the person's blood while on duty according to the procedures of
24 the police department shall be referred to the chief of police
25 or other appropriate board or official for appropriate
26 discipline, if any, where the totality of the circumstances

1 shall be considered.

2 (g) Upon a finding that a policeman has violated this
3 Section, the chief of police or other appropriate board or
4 official shall appropriately discipline the policeman. Any
5 determination of appropriate discipline made according to this
6 Section against a policeman by the chief of police or other
7 appropriate board or official shall be subject to an appeals
8 process, if any, afforded by the collective bargaining
9 agreement governing the employment of the policeman.

10 (h) The provisions of this Section shall not apply to:

11 (1) a policeman who has been assigned to consume
12 alcohol while on-duty and under appropriate supervision
13 for training purposes as approved by the chief of police;

14 (2) a policeman whose duty requirements run counter to
15 the provisions of this Section;

16 (3) a policeman who has been assigned by the chief of
17 police to work undercover, while his or her identity as a
18 policeman must remain undisclosed for purposes of that
19 assignment; and

20 (4) a policeman exempt under subsection (g) of Section
21 10-1 of Article 10 of the Liquor Control Act of 1934.

22 (i) To the extent this Section conflicts with a collective
23 bargaining agreement in effect on the effective date of this
24 amendatory Act of the 98th General Assembly, the conflicting
25 provision of this Section shall not apply until that collective
26 bargaining agreement expires or is renewed, renegotiated, or

1 superseded.

2 (j) A home rule unit may not regulate the discipline of a
3 policeman who tests positive during a test for the purpose of
4 determining the alcohol content of the person's blood in a
5 manner that is inconsistent with this Section. This Section is
6 a limitation under subsection (i) of Section 6 of Article VII
7 of the Illinois Constitution on the concurrent exercise by home
8 rule units of power and functions exercised by the State.

9 Section 35. The Illinois Vehicle Code is amended by adding
10 Section 2-116.5 as follows:

11 (625 ILCS 5/2-116.5 new)

12 Sec. 2-116.5. Zero tolerance alcohol policy.

13 (a) Purpose. It is the intent of the General Assembly to
14 maintain a safe environment for the citizens of this State and
15 to ensure that Secretary of State Department of Police officers
16 are not impaired in a manner that endangers themselves or
17 others. Therefore, it is declared to be the public policy of
18 this State to provide a work environment free of the use of
19 alcohol and unlawful drugs by on-duty Secretary of State
20 Department of Police officers.

21 (b) The Secretary shall adopt rules to implement this
22 Section.

23 (c) Any person employed as a Secretary of State Department
24 of Police officer must comply with the alcohol use and testing

1 requirements of the Secretary of State Department of Police.

2 (d) If a Secretary of State Department of Police officer's
3 supervisor reasonably believes, based upon objective facts,
4 that an officer's ability to perform his or her duties safely
5 and efficiently while on duty may be impaired by the
6 consumption of alcohol, the supervisor shall:

7 (1) prevent the officer from continuing work;

8 (2) inform the officer of the specific facts supporting
9 his or her belief and prepare a written record of those
10 facts;

11 (3) inform the officer that he or she will be tested
12 for alcohol;

13 (4) inform the officer that he or she may refuse the
14 test, but that refusal to submit to a test for alcohol,
15 ordered in accordance with Departmental procedures, shall
16 be construed as a positive result; and

17 (5) transport or cause the officer to be transported
18 safely away from the Department.

19 (e) A test shall be construed as a positive result if the
20 test shows a result of a blood alcohol content higher than
21 0.00%.

22 (f) A person employed as a Secretary of State Department of
23 Police officer who tests positive in a test for the purpose of
24 determining the alcohol content of the person's blood while on
25 duty according to the procedures of the Secretary of State
26 Department of Police shall be referred to the Director of

1 Personnel as required by rule for appropriate discipline, if
2 any, where the totality of the circumstances shall be
3 considered.

4 (g) Upon a finding that an officer has violated this
5 Section, the Director of Personnel shall appropriately
6 discipline the officer. Any determination of appropriate
7 discipline made according to this Section against an officer
8 shall be subject to an appeals process, if any, afforded by the
9 collective bargaining agreement governing the employment of
10 the officer.

11 (h) The provisions of this Section shall not apply to:

12 (1) an officer who has been assigned to consume alcohol
13 while on-duty and under appropriate supervision by a
14 superior officer for training purposes as approved by the
15 Director;

16 (2) an officer whose duty requirements run counter to
17 the provision of this Section;

18 (3) an officer who has been assigned by the Director to
19 work undercover, while his or her identity as a police
20 officer must remain undisclosed for purposes of that
21 assignment; and

22 (4) an officer exempt under subsection (g) of Section
23 10-1 of Article 10 of the Liquor Control Act of 1934.

24 (i) To the extent this Section conflicts with a collective
25 bargaining agreement in effect on the effective date of this
26 amendatory Act of the 98th General Assembly, the conflicting

1 provision of this Section shall not apply until that collective
2 bargaining agreement expires or is renewed, renegotiated, or
3 superseded.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".